



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बोरवार, 13 अगस्त, 1981/22 श्रावण, 1903

हिमाचल प्रदेश सरकार

HEALTH AND FAMILY WELFARE DEPARTMENT

NOTIFICATIONS

Simla-171002, the 4th August, 1981

No. HFW-A (3)-7/80.—In exercise of the powers conferred by section 33-E of the Drugs and Cosmetics Act, 1940 the Governor of Himachal Pradesh, is pleased to fix the date of publication of this notification in the Himachal Pradesh Rajpatra as the date for the purpose of the aforesaid section.

Simla-171002, the 4th August, 1981

No. HFW-A (3)-7/80.—In exercise of the powers conferred by rule 152 of the Drugs and Cosmetics Rules, 1945, the Governor, Himachal Pradesh, is pleased to appoint the Director of

Ayurveda, Himachal Pradesh as the Licensing Authority for the purpose of Part-XVI of the said Rules for whole of the State of Himachal Pradesh, with immediate effect.

A. N. VIDYARTHI,
Secretary.

EXCISE AND TAXATION DEPARTMENT

NOTIFICATION

Simla-2, the 5th August, 1981

No. EXN-G (1)-1/78.—In exercise of the power vested in him under sub-section (1) of section 48 of the Land Acquisition Act, 1894, the Governor, Himachal Pradesh is pleased to withdraw the acquisition of land described in the specification given below which was proposed to be acquired for the construction of Office-cum-Residential Accommodation for the Barrier Staff at Swarghat, Tehsil and District Bilaspur, Himachal Pradesh *vide* notification of even number, dated the 17th March, 1979.

SPECIFICATION OF LAND

District: BILASPUR

Tehsil: BILASPUR

Village	Khasra No.	Area Big. Bis.
DHABETA	793/728/647/1	0 14

ANANG PAL,
Secretary.

LAW DEPARTMENT

NOTIFICATION

Simla-171002, the 6th August, 1981

No. LLR-E (9) 12/81.—The following Ordinances recently promulgated by the President and published in the Gazette of India, Extraordinary, Part-II, Section I, dated the 26th July, 1981, as Ordinance Nos. 9, 10, 11 and 12 of 1981, are hereby republished in the Rajpatra, Himachal Pradesh, for the general information of the public:—

Srl. No.	Title
1.	The Custom Tariff (Amendment) Ordinance, 1981 (9 of 1981)
2.	The Essential Services Maintenance Ordinance, 1981 (10 of 1981)
3.	The State of Nagaland (Amendment) Ordinance, 1981 (11 of 1981)
4.	The Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions (Amendment) Ordinance, 1981 (12 of 1981).

G. S. CHAUHAN,
Under Secretary.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 26th July, 1981/Sravana 4, 1903 (Saka)

THE CUSTOMS TARIFF (AMENDMENT) ORDINANCE, 1981

No. 9 OF 1981

Promulgated by the President in the Thirty-second Year of the Republic of India.

An Ordinance further to amend the Customs Tariff Act, 1975.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Customs Tariff (Amendment) Ordinance, 1981.

(2) It shall come into force at once.

2. *Amendment of First Schedule.*—In the Customs Tariff Act, 1975 (51 of 1975) in the First Schedule in Chapter 15,—

- (i) in Heading No. 15.01/06, in sub-heading No. (1) and sub-heading No. (2), for the entry in column (3), the entry “200%” shall be substituted;
- (ii) in Heading No. 15.07,—
 - (a) in sub-heading No. (1), for the entries in columns (3) and (4), the entries “200%” and “190%” shall, respectively, be substituted;
 - (b) in sub-heading No. (2), for the entries in columns (3) and (4), the entries “200%” and “190%” shall, respectively, be substituted;
 - (c) in sub-heading No. (3), for the entries in columns (3) and (4), the entries “200%” and “190%” shall, respectively, be substituted;
- (iii) in Heading No. 15.08/13, for the entry in column (3), the entry “200%” shall be substituted;
- (iv) in Heading No. 15.14/17, for the entry in column (3), the entry “200%” shall be substituted.

N. SANJIVA REDDY,
President.

R. V. S. PERI SASTRI,
Secy. to the Govt. of India.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 26th July, 1981/Sravana 4, 1903 (Saka)

THE ESSENTIAL SERVICES MAINTENANCE ORDINANCE, 1981

No. 10 OF 1981

Promulgated by the President in the Thirty-second Year of the Republic of India.

An Ordinance to provide for the maintenance of certain essential services and the normal life of the community.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Essential Services Maintenance Ordinance, 1981.

(2) It extends to the whole of India:

Provided that it shall not apply to the State of Jammu and Kashmir in so far as it relates to any essential service connected with matters with respect to which Parliament has no power to make laws for that State.

(3) It shall come into force at once.

2. *Definitions.*—(1) In this Ordinance, unless the context otherwise requires,—

(a) “essential service” means—

- (i) any postal, telegraph or telephone service, including any service connected therewith;
- (ii) any railway service or any transport service for the carriage of passengers or goods by air or any other transport service for the carriage of passengers or goods, by land or water with respect to which Parliament has power to make laws;
- (iii) any service connected with the operation or maintenance of aerodromes, or with the operation, repair or maintenance of aircraft, or any service in the International Airports Authority of India constituted under section 3 of the International Airports Authority Act, 1971 (43 of 1971);
- (iv) any service in, or in connection with the working of, any major port, including any service connected with the loading, unloading, movement or storage of goods in any such port;
- (v) any service connected with the clearance of goods or passengers through the customs or with the prevention of smuggling;
- (vi) any service in any establishment of, or connected with, the armed forces of the Union or in any other establishments or installations connected with defence;

- (vii) any service in any section of any industrial undertaking pertaining to a scheduled industry on the working of which the safety of such undertaking or the employees employed therein depends;

Explanation.—For the purposes of this sub-clause, the expressions “industrial undertaking” and “scheduled industry” shall have the meanings respectively assigned to them in clauses (d) and (i) of section 3 of the Industries (Development and Regulation) Act, 1951 (65 of 1951);

- (viii) any service in, or in connection with, the working of any undertaking owned or controlled by the Central Government being an undertaking engaged in the purchase, procurement, storage, supply or distribution of foodgrains;
- (ix) any service, in, or in connection with the working of, any system of public conservancy or sanitation hospitals or dispensaries in any Union territory, cantonment area or undertaking owned or controlled by the Central Government;
- (x) any service in connection with or in relation to banking;
- (xi) any service in any oilfield or refinery or in any establishment or undertaking dealing with the production, supply or distribution of petroleum and petroleum products;
- (xii) any service in any mint or security press;
- (xiii) any service in connection with elections to Parliament or to the Legislatures of the States;
- (xiv) any service in connection with the affairs of the Union, not being a service specified in any of the foregoing sub-clauses;
- (xv) any other service connected with matters with respect to which Parliament has power to make laws and which the Central Government being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service, the public safety or the maintenance of supplies and services necessary for the life of the community or would result in the infliction of grave hardship on the community, may, by notification in the Official Gazette, declare to be an essential service for the purposes of this Ordinance;
- (b) “strike” means the cessation of work by a body of persons employed in any essential service acting in combination or a concerted refusal or a refusal under a common understanding of any number of persons who are or have been so employed to continue to work or to accept employment, and includes—
- (i) refusal to work overtime where such work is necessary for the maintenance of any essential service;
- (ii) any other conduct which is likely to result in, or results in, cessation or substantial retardation of work in any essential service.

(2) Any reference in this Ordinance to any law which is not in force in any area and to any authority under such law shall, in relation to that area, be construed as a reference to the corresponding law in force in that area and to the corresponding authority under such corresponding law.

(3) Every notification issued under sub-clause (xv) of clause (a) of sub-section (1) shall be laid before each House of Parliament immediately after it is made if it is in session and on the first day of the commencement of the next session of the House if it is not in session, and shall cease to operate at the expiration of forty days from the date of its being so laid or from the re-assembly of Parliament, as the case may be, unless before the expiration of that period a resolution approving the issue of the notification is passed by both Houses of Parliament.

Explanation.—Where the Houses of Parliament are summoned to re-assemble on different dates, the period of forty days shall be reckoned from the later of those dates.

3. *Power to prohibit strikes in certain employments.*—(1) If the Central Government is satisfied that in the public interest it is necessary or expedient so to do, it may, by general or special Order, prohibit strikes in any essential service specified in the Order.

(2) An Order made under sub-section (1) shall be published in such manner as the Central Government considers best calculated to bring it to the notice of the persons affected by the Order.

(3) An Order made under sub-section (1) shall be in force for six months only, but the Central Government may, by a like Order, extend it for any period not exceeding six months if it is satisfied that in the public interest it is necessary or expedient so to do.

(4) Upon the issue of an Order under sub-section (1),—

- (a) no person employed in any essential service to which the Order relates shall go or remain on strike;
- (b) any strike declared or commenced whether before or after the issue of the Order, by persons employed in any such service shall be illegal.

4. *Dismissal of employees participating in illegal strikes.*—Any person,—

- (a) who commences a strike which is illegal under this Ordinance or goes or remains on, or otherwise takes part in, any such strike; or
- (b) who instigates or incites other persons to commence, or go or remain on, or otherwise take part in, any such strike,

shall be liable to disciplinary action (including dismissal) in accordance with the same provisions as are applicable for the purpose of taking such disciplinary action (including dismissal) on any other ground under the terms and conditions of service applicable to him in relation to his employment.

5. *Penalty for illegal strikes.*—Any person who commences a strike which is illegal under this Ordinance or goes or remains on, or otherwise takes part in, any such strike shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

6. *Penalty for instigation, etc.*—Any person who instigates or incites other persons to take part in, or otherwise acts in furtherance of, a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

7. *Penalty for giving financial aid to illegal strikes.*—Any person who knowingly expends or supplies any money in furtherance or support of a strike which is illegal under this Ordinance shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees, or with both.

8. *Power to arrest without warrant.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) any police officer may arrest without warrant any person who is reasonably suspected of having committed any offence under this Ordinance.

9. *Offences to be tried summarily.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), all offences under this Ordinance shall be tried in a summary way by any Metropolitan Magistrate, or any Judicial Magistrate of the First Class specially empowered in this behalf by the State Government and the provisions of sections 262 to 265 (both inclusive) of the said Code shall, as far as may be, apply to such trial:

Provided that in a case of conviction for any offence in a summary trial under this section, it shall be lawful for the Magistrate to pass a sentence of imprisonment for any term for which such offence is punishable under this Ordinance.

10. Ordinance to override other laws.—The provisions of this Ordinance and of any Order issued thereunder shall have effect notwithstanding anything inconsistent therewith contained in the Industrial Disputes Act, 1947 (14 of 1947), or in any other law for the time being in force.

11. Amendment of Act 41 of 1980.—During the continuance in force of this Ordinance, the Essential Services Maintenance (Assam) Act, 1980, shall have effect as if,—

(a) in section 2,—

(1) in sub-section (1),—

- (i) clause (a) had been omitted;
- (ii) for clause (b), the following clauses had been substituted, namely:—
‘(b) “essential service” means—

- (i) any transport service for the carriage of passengers or goods, by land or water, with respect to which the Legislative Assembly of the State of Assam has power to make laws;
- (ii) any service connected with the production, storage, supply or distribution, as the case may be, of gas or water;
- (iii) any service connected with the maintenance of public health and sanitation, including hospitals and dispensaries;
- (iv) any public services and posts in connection with the affairs of the State, and also persons appointed to the secretarial staff of the Legislative Assembly of the State of Assam;
- (v) any other service or employment or class thereof, connected with matters with respect to which the Legislative Assembly of the State of Assam has power to make laws and which the State Government being of opinion that strikes therein would prejudicially affect the maintenance of any public utility service, the public safety or the maintenance of the supplies and services necessary for the life of the community or would result in the infliction of grave hardship on the community, may, by notification in the Official Gazette declare to be an essential service for the purposes of this Act;

(bb) “State Government” means the State Government of Assam;”;

(2) in sub-section (2) for the words, brackets and figures “under sub-clause (xiv)”, the words, brackets and figure “under sub-clause (v)” had been substituted;

(b) in sections 3 and 9, for the words “appropriate Government” wherever they occur, the words “State Government” had been substituted.

N. SANJIVA REDDY,
President.

R.V. S. PERI SASTRI,
Secretary to the Government of India.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department) |

New Delhi, the 26th July, 1981/Sravana 4, 1903 (Saka)

THE STATE OF NAGALAND (AMENDMENT) ORDINANCE, 1981

No. 11 OF 1981

Promulgated by the President in the Thirty-second Year of the Republic of India.
An Ordinance further to amend the State of Nagaland Act, 1962.

WHEREAS a Bill further to amend the State of Nagaland Act, 1962, has been introduced in Parliament but has not yet been passed;

AND WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give effect to the provisions of the Bill;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President, is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the State of Nagaland (Amendment) Ordinance, 1981.

(2) it shall come into force at once.

2. *Insertion of new section 22A.*—In the State of Nagaland Act, 1962 (27 of 1962), after section 22, the following section shall be inserted, namely:—

“22A. *Allowances and privileges of Governor of Nagaland.*—The allowances and privileges of the Governor of Nagaland shall, until provision in that behalf is made by Parliament by law under clause (3) of article 158, be such as the President may, by order, determine.”.

N. SANJIVA REDDY,
President.

R. V. S. PERI SASTRI,
Secretary to the Government of India.

[**MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS**
(Legislative Department)]

New Delhi, the 26th July, 1981/Sravana 4, 1903 (Saka)

**THE WORKING JOURNALISTS AND OTHER NEWSPAPER EMPLOYEES
(CONDITIONS OF SERVICE) AND MISCELLANEOUS PROVISIONS
(AMENDMENT) ORDINANCE, 1981**

No. 12 OF 1981

Promulgated by the President in the Thirty-second Year of the Republic of India.

An Ordinance further to amend the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions (Amendment) Ordinance, 1981.

(2) It shall be deemed to have come into force on the 13th day of August, 1980.

2. *Amendment of section 2.*—In section 2 of the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955) (hereinafter referred to as the principal Act), in clause (f), for the words “who is employed as such in, or in relation to, any newspaper establishment”, the words “who is employed as such either whole-time or part-time, in, or in relation to, one or more newspaper establishments” shall be substituted.

3. *Insertion of new section 16A.*—After section 16 of the principal Act, the following section shall be inserted, namely:—

“16A. *Employer not to dismiss, discharge, etc. newspaper employees.*—No employer in relation to a newspaper establishment shall, by reason of his liability for payment of wages to newspaper employees at the rates specified in an order of the Central Government under section 12, or under section 12, read with section 13AA or section 13DD dismiss, discharge or retrench any newspaper employee.”

N. SANJIVA REDDY,
President.

R.V.S. PERI SASTRI,
Secretary to the Government of India.

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